

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAREEM LANIER,

Plaintiff,

v.

J. DOERER,

Defendant.

No. 1:24-cv-01178 GSA

ORDER DENYING PLAINTIFF'S MOTION
ORDERING "DEFENDANT VEGA" TO
RESPOND

(ECF No. 10)

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Plaintiff has yet to complete his in forma pauperis application by filing a prison trust fund account statement. See generally ECF No. 9 (1/29/25 order granting Plaintiff extension of time to file trust statement).

Plaintiff has filed a motion requesting the Court to order "Defendant Vega" to produce his six-month prison trust fund account statement. ECF No. 10. In support of the motion, Plaintiff states that he has requested the statement from one V. Vega, a case manager, on several occasions. However, to date he has not received a response from her. Id.

Plaintiff's request will be denied because V. Vega, a case manager, is not a Defendant in this case and the complaint has not been screened and served. Therefore, this Court has no jurisdiction to direct her to provide Plaintiff with his six-month trust account statement. See U.S.

1 Const. art. III, § 2 (case or controversy requirement); see also Alvarez v. Smith, 558 U.S. 87, 92
2 (2009). Furthermore, in forma pauperis status is not a constitutional right. Rodriguez v. Cook,
3 169 F.3d 1176, 1180 (9th Cir. 1999). Despite this fact, the filing fee must be paid. See 28 U.S.C.
4 1914. Accordingly, Plaintiff is reminded that he also has the option of paying the filing fee in full
5 upfront.

6 As importantly, Plaintiff was recently granted an extension of time to file his trust account
7 statement. He has until the end of that period to do so.

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to order "Defendant
9 Vega" to respond (ECF No. 10) is DENIED.

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11
12 IT IS SO ORDERED.

13 Dated: January 30, 2025

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE